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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 **PACIFIC TOMATO GROWERS, LTD., *et***
12 ***al.*,**

13 **Plaintiffs,**

14 **vs.**

15 **KIRBY T. TANIMURA, *et al.***

16 **Defendants.**

Case No.: CV 08-5100-GW(FFMx)

HONORABLE GEORGE H. WU

17 **S & H PACKING & SALES CO., INC., *et al.*,**

18 **Plaintiffs,**

19 **vs.**

20 **KIRBY T. TANIMURA, *et al.***

21 **Defendants.**

Case No. CV 08-5250-GW(FFMx)

22 **NATIONAL COMMERCIAL RECOVERY,**
23 **INC.**

24 **Plaintiffs,**

25 **vs.**

26 **KIRBY T. TANIMURA, *et al.***

27 **Defendants.**

Case Nos. CV 08-6046-GW(FFMx)

1 THIS MATTER comes before the Court for entry of final judgment for the reasons set forth in
 2 the Court's Memorandum Opinion of November 13, 2012, and with the parties in the above
 3 consolidated actions, namely the Pacific Tomato Group¹, the S & H Packing & Sales Group², the
 4 G.W. Palmer Group³, and National Commercial Recovery, Inc. (collectively the "PACA Trust
 5 Creditor Plaintiffs"), and Agricap Financial Corporation, having consented to the form of this Final
 6 Judgment, the Court now enters judgment pursuant to Federal Rule of Civil Procedure 58(a):

8 **ORDERED, ADJUDGED AND DECREED** that Judgment is hereby entered in these
 9 consolidated actions, as follows:

11 A. Judgment is entered in favor of defendant Agricap Financial Corporation and against
 12 PACA Trust Creditor plaintiffs as to all claims asserted by PACA Trust Creditor Plaintiffs against
 13 Agricap Financial Corporation;

16 ¹ The Pacific Tomato Group consists of Pacific Tomato Growers, Ltd., Malena Produce, Inc.,
 17 Westlake Distributors, Inc. d/b/a Westlake Produce Company, Tomato Thyme Corporation, Maui
 18 Fresh International, LLC, MJ International Marketing, LLC d/b/a Fresh Farms, Go-Fresh Produce,
 Inc., Natural Selection Foods, LLC d/b/a Earthbound Farms, Cris-P Produce Co., Inc., Giumarra
 Brothers Fruit Company, LLC, Diversified Distributors, Inc., and Interfresh, Inc.

19 ² The S & H Packing & Sales Group consists of Plaintiffs S & H Packing & Sales Co., Inc.,
 20 Apache Produce Co., Inc. d.b.a Plain Jane, Baloian Packing, Inc. d.b.a Baloian Farms, Bionova
 21 Produce, Inc., Central California Tomato Growers Cooperative, Inc., Delta Fresh, LLC, Expo Fresh,
 22 LLC, Yolanda Torre d.b.a Far Side Farms, Guy E. Maggio, Jr., Inc., d.b.a GM Distributing, Horwath
 & Co., Inc. d.b.a Gonzales Packing Co., J&A International, Inc., Wayne M. Nakaji d.b.a J. Michael
 23 & Co., JPM Sales Co., Inc., Keber Distributing, Inc., Kern Ridge Growers, LLC, Live Oak Farms,
 24 M&M Distributors, Inc., OP Murphy Produce Co., Inc. d.b.a OP Murphy & Sons, Oceanside Produce,
 Inc., Orange County Produce, LLC, Doud & Associates, Inc., d.b.a Pacific Coast Produce, Prestige
 25 Produce, Inc., Produce Supply, Inc., Royal Flavor, LLC, Seacoast Distributing, Inc., Sunrise Growers,
 Inc., Valmar International Produce Growers, Inc., Veggifruit, Inc., and Wilson Produce, LLC, and
 Intervening Plaintiffs Riverside Distributing, Ltd., Frank Donio, Inc., I&T Produce Co., Inc., and
 Abbate Family Farms Limited Partnership

26 ³ The G.W. Palmer Group consists of Andrew & Williamson Sales Co., Inc. d/b/a Andrew
 27 & Williamson Fresh Produce, Gargiulo, Inc., G.W. Palmer & Co., Inc., and East Coast Brokers &
 Packers, Inc.

1 B. All pending motions are denied as moot and all counterclaims and cross-claims are
2 dismissed. The Clerk shall enter judgment forthwith.

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5 DATED: June 5, 2014



Hon. George H. Wu
United States District Judge